

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN TYRONE HAIRSTON,

Plaintiff,

v.

R. ARCHIE, et al.,

Defendants.

No. 2:23-cv-0900-CKD P

ORDER

On January 3, 2025, defendants filed a motion for summary judgment. Plaintiff did not timely oppose the motion. On February 14, 2025, plaintiff filed a document titled “Motion on Time...” which the court construed as a motion for an extension of time to oppose defendants’ motion for summary judgment. On February 25, 2025, the court granted plaintiff 30 days from the date of that order to file an opposition or statement of non-opposition the motion for summary judgment. To date, plaintiff has not filed an opposition to the motion for summary judgment.

Local Rule 230(l) provides in part: “Failure of the responding party to file written opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion” Id. Local Rule 110 provides that failure to comply with the Local Rules “may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.” Id. Plaintiff is hereby cautioned that failure to comply with the Local Rules may result in a recommendation that the action be dismissed.

1 In addition, Rule 41(b) of the Federal Rules of Civil Procedure provides:

2 **Involuntary Dismissal; Effect.** If the plaintiff fails to prosecute or
3 to comply with these rules or a court order, a defendant may move to
4 dismiss the action or any claim against it. Unless the dismissal order
5 states otherwise, a dismissal under this subdivision (b) and any
dismissal not under this rule--except one for lack of jurisdiction,
improper venue, or failure to join a party under Rule 19--operates as
an adjudication on the merits.

6 Id.

7 With these admonitions in place, plaintiff will be granted another extension of time to file
8 an opposition to defendants' motion for summary judgment.

9 Good cause appearing, IT IS HEREBY ORDERED that, within 21 days from the date of
10 this order, plaintiff shall file an opposition, if any, to the motion for summary judgment;
11 defendant may file a reply within 14 days of any opposition filed by plaintiff. Failure to file an
12 opposition will be deemed as consent to have the action dismissed for failure to comply with a
13 court order and these rules. Said failure shall result in a recommendation that this action be
14 dismissed pursuant to Federal Rule of Civil Procedure 41(b).

15 Dated: April 22, 2025

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17 CAROLYN K. DELANEY
18 UNITED STATES MAGISTRATE JUDGE
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